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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,288	10/10/2000	Gregory John Fera	CIP 1973/1964/624226.258	4567
29391	7590	02/11/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			WU, YICUN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/685,288

Applicant(s)

FERA ET AL.

Examiner

Yicun Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10-20-2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-19 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-19 and 26-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### III. DETAILED ACTION

1. Claims 12-19 and 26-29 are presented for examination.

#### Claim Objections

2. Claims 12, 17 and 26 are objected to because of the following informalities: the Examiner is not clear about the meaning of the claim. "...degradation."

Appropriate correction is required.

#### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coiner et al. (U.S. Patent 5,638,273) in view of Schleiss et al. (U.S. Patent No. 6,633,782).

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As to Claims 12, 17 and 26, Coiner et al. discloses a method for identifying critical faults in a plurality of mobile assets, the method comprising:

a) collecting from a group of the plurality of mobile assets respective mobile asset data indicative of each fault logged over a predetermined period of time (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27);

b) classifying respective faults in the collected mobile asset data based on the following criteria:

1) relative frequency of fault occurrence (i.e. incident or trigger) (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27);

2) number of mobile assets affected in the group ((Coiner et al. col. 5, lines 30-42); and

3) expected level of mobile asset degradation;

wherein any of the three criteria comprises a first basis of classification, and a second classification is based on the results of the first classification so that any faults found to be critical, include properties in at least two of the classifications (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27); and

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C) storing any faults found to be critical of critical faults (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27).

Coiner et al. does not explicitly teach in a database.

Schleiss et al. teaches in a database (i.e. a database. col. 3, lines 52-67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Coiner et al. with in a database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Coiner et al. by the teaching of Schleiss et al. because providing the in a database allows better handling the overwhelming amount of relevant information to evaluate in order to identify the source of the problems and to implement the measures necessary to correct the problem as taught by Schleiss et al. (col. 3, lines 44-48).

As to Claim 13 and 27, Coiner et al. as modified teaches a method wherein all three criteria are separately considered in sequence and further wherein each classification is based on the results of any previous classification so that the faults found

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to be critical include properties in all three classifications (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27).

As to Claims 14 and 28, Coiner et al. as modified teaches a method wherein the database of critical faults is used in a process for assigning, priorities to communications of electronic data between a diagnostic service center and a plurality of mobile assets generally remote relative to each other, the assigned priorities being used for managing the handling of such communications, the electronic data comprising at least respective new mobile asset data from selected mobile assets, the process comprising:

storing in a database a list of respective cases to be processed (i.e. a database. Schleiss et al. col. 3, lines 52-67);

assigning to each case a respective download priority based on the existence of critical faults in the case (i.e. store data records at frequency) (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27); and

determining each case to be populated next with new mobile asset data based at least upon the assigned download priority . (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27).

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As to Claims 15, 18 and 29, Coiner et al. as modified teaches a method comprising executing a download of new mobile asset data wherein the download of new mobile asset data is triggered upon a call from a respective mobile asset to the service center (i.e. a database. Schleiss et al. col. 3, lines 52-67), the call identifying occurrence in the respective mobile asset of one or more faults of the type stored in the critical fault database (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27).

As to Claim 16, Coiner et al. as modified teaches a method comprising prioritizing analysis of mobile asset data including critical faults (Coiner et al. Fig. 5 and col. 2, lines 32 - col. 3, line 27).

As to Claim 19, Coiner et al. as modified teaches a system wherein

the call to the service center is automated upon detection in the mobile asset of one or more of the faults of the type stored in the critical fault database (i.e. a database. Schleiss et al. col. 3, lines 52-67).

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**Other Prior Art Made of Record**

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions.

Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov) <<http://www.uspto.gov/>>), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at [<http://www.uspto.gov/ebc/index.html>](http://www.uspto.gov/ebc/index.html) or 1-866-217-9197.

Toyouchi et al. (U.S. Patent No. 6,847,988);

Hamilton et al. (U.S. Patent No. 5,200,958);

Lang et al. (U.S. Patent 6,295,492);

Tsuyama et al. (U.S. Patent No. 5,596,712)

Motoyama et al. (U.S. Patent No. 6,631,247); and

Bird et al. (U.S. Patent No. 6,526,341).


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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

  
CHARLES RONES  
PRIMARY EXAMINER

Yicun Wu  
Patent Examiner  
Technology Center 2100

January 30, 2005